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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

MAR 25 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b)

Table of Allotments

FM Broadcast Stations

(Arlington, The Dalles and Moro, Oregon,

Covington and Trout Lake, Washington,

Kent, Bellingham and Forks, Washington,

Aberdeen, Shoreline, Bellingham, Forks and

Hoquiam, Washington and Fossil, Oregon, and

Astoria, Gladstone, Portland, Tillamook,

Springfield-Eugene, Coos Bay and

Manzanita, Oregon, and

Long Beach and Ilwaco, Washington)

MB Docket No. 02-136

RM-10458

RM-10663

RM-10667

RM-10668

To: Assistant Chief, Audio Division
Media Bureau

**FURTHER COMMENTS OF NEW NORTHWEST BROADCASTERS LLC
IN SUPPORT OF RM-10668**

1. New Northwest Broadcasters, LLC ("NNB"), by its attorneys, hereby responds to the Commission's Public Notice released March 10, 2003 (Rep. No. 2599), which announced the filing of three counterproposals in MB Docket No. 02-136, including one, RM-10668, submitted by NNB ("the NNB Counterproposal" or "the Counterproposal").

2. In the Counterproposal, **NNB** proposed a set of interrelated allotments that would result, *inter alia*, in first local service to Gladstone and Manzanita, Oregon, and Trout Lake, Washington, and second local service to Ilwaco, Washington. The **NNB** Counterproposal is mutually exclusive with the proposal set forth initially in the Commission's Notice of Proposed

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Rulemaking in this docket (“Notice”)³ and with the counterproposal of Mid-Columbia Broadcasting, Inc. and First Broadcasting Company, L.P. (“Joint Petitioners”) (designated RM-10663). Mutual exclusivity arises because NNB’s proposed reallocation of Channel 226C3 at Gladstone, Oregon, as its first local service is incompatible with the Notice’s proposed allotment of Channel 226A at Trout Lake, Washington. At the same time, the NNB Counterproposal proposed the allotment of Channel 236A at Trout Lake as a means of eliminating the sole conflict with the Notice’s allotment plan; the Joint Petitioners’ proposed allotment of Channel 226A to Trout Lake is also the sole conflict between NNB’s Counterproposal and the other allotment proposals filed in the docket. As stated in NNB’s Reply Comments, no allotment proposal put forth in this proceeding would impede the adoption of NNB’s proposed allotment of Channel 236A to Trout Lake as a means of resolving the conflict.

3. The ~~“E3~~ Counterproposal would serve the public interest by providing for additional radio service in Northwestern Oregon and Southwestern Washington, including first local service to Gladstone and Manzanita, Oregon, and Trout Lake, Washington, and second local service to Ilwaco, Washington. The NNB Counterproposal would also, by eliminating the conflict at Trout Lake, Washington, permit the Commission to grant either ~~of~~ the other counterproposals before it in this docket should the Commission find that one or the other would also serve the public interest.

³*Notice of Proposed Rule Making*, DA 02-1339, MB Docket No. 02-136, RM-10458 (rel. June 7, 2002).

4. NNB hereby reaffirms each of the commitments and representations made in the Counterproposal. To wit:

- NNB is the licensee of KAST-FM, Channel 225C1, Astoria, Oregon. The Counterproposal would substitute Channel 226C3 for 225C1 at Astoria, and reallocate 226C3 to Gladstone, Oregon. Upon grant of the Counterproposal, **NNB** would apply to operate KAST-FM on 226C3 at Gladstone and, if authorized, will promptly implement the necessary changes in accordance with applicable Commission rules and **policies**.²
- If the Counterproposal is granted and proposed allotments of Channels 228C3 at Manzanita, Oregon, 259A at Ilwaco, Washington, and 236A at Trout Lake, Washington, are made, NNB will apply for these allotments and, if authorized, will construct the stations promptly in accordance with applicable Commission rules and policies.
- If the Counterproposal is granted and Channel 224A is substituted for 232A at Long Beach, Washington, for use by NNB's station KAQX, NNB will apply to implement the change and, if authorized, will do so promptly in accordance with applicable Commission rules and policies.

²Should the option referred to in note 6 of the Counterproposal be exercised before the construction of KAST-FM to operate on Channel 226C3 at Gladstone, the option holders will fulfill this commitment. **See**, Exhibit B to Counterproposal.

- If the Counterproposal is granted and the Commission orders the licensees of Stations KTIL-FM, Tillamook, Oregon, and KDCQ, Coos Bay, Oregon, to change channels to substitute equivalent channel allotments, "E?" pledges to reimburse the licensees for reasonable costs in implementing the channel substitutions, in accordance with the Commission's policies.
- "E?" hereby reaffirms its representations, supported by Exhibits D and E to the Counterproposal, that the licensee of Station KPDQ-FM, Portland, Oregon, has consented to the substitution of Channel 230C2 for Channel 229C at Portland at a new reference site, and to the modification of KPDQ-FM's license from Channel 229C to Channel 230C2, and the licensee of Station KGNU, Springfield-Eugene, Oregon, has consented to the substitution of Channel 227C for 226C at Springfield-Eugene, and to the modification of KGNU's license from Channel 226C to 227C. In Exhibits D and E to the Counterproposal, each licensee has affirmed that it will file an application to implement the changes consistent with the Commission's rules upon grant of the Counterproposal, and each has affirmed that it has entered into a binding agreement with NNB, under which it will receive consideration sufficient to reimburse it for its costs in implementing the changes.

5. The grant of the **NNB** Counterproposal and its implementation will bring first local services to three communities and second local service to a fourth community. Moreover, it would create a "net" gain in service to over 1,300,000 persons. The Counterproposal is clearly in the public interest and should be granted.

Respectfully submitted,

NEW NORTHWEST BROADCASTERS LLC

By


M. Anne Swanson

Nam E. Kim

Its Attorneys

DOW, LOHNES & ALBERTSON, PLLC
1200 New Hampshire Avenue, NW
Suite 800
Washington, DC 20336
202-776-2000

March 25, 2003


CERTIFICATE OF SERVICE

I, Constance A. Randolph, a secretary at Dow, Lohnes & Albertson, PLLC, hereby certify that a true and correct copy of the foregoing “Further Comments of New Northwest Broadcasters LLC in Support of RM-10668” was sent on this 25th day of March, 2003, via first-class United States mail, postage pre-paid, to the following:

John A. Karousos* Assistant Chief, Audio Division Office of Broadcast License Policy Media Bureau Federal Communications Commission 445 12th Street, SW Washington, D.C. 20554	J. Dominic Monahan, Esquire Luvaas Cobb Richards & Fraser, PC. 777 High Street, Suite 300 Eugene, Oregon 97401 Counsel for Mid-Columbia Broadcasting, Inc.
Mark N. Lipp, Esquire Shook, Hardy & Bacon, LLP 600 14th Street, NW, Suite 800 Washington, D.C. 20005 Counsel for First Broadcasting Company, L.P.	James P. Riley, Esquire Fletcher Heald & Hildreth, PLC 1300 North 17th Street, 11th Floor Arlington, VA 22209 Counsel to Salem Media of Oregon, Inc.
Jonathan L. Block, General Counsel c/o Salem Communications Holding Corporation 4880 Santa Rosa Road, Suite 300 Camarillo, California 93012	Charles R. Naftalin, Esquire Holland & Knight, LLP 2099 Pennsylvania Avenue, NW, Suite 100 Washington, DC 20006 Counsel to McKenzie River Broadcasting Co., Inc.
John Q. Tilson, III, President McKenzie River Broadcasting Co., Inc. Radio Stations KKXO/KMGE/KKNU 925 Country Club Road Eugene, OR 97401	Oregon Eagle, Inc. P.O. Box 40 Tillamook, Oregon 97141
J. Dominic Monahan, Esquire Luvaas Cobb Richards & Fraser, PC. 777 High Street, Suite 300 Eugene, Oregon 97401 Counsel for Oregon Eagle, Inc.	Bay Cities Building Company, Inc. P.O. Box 478 Coos Bay, Oregon 97420
Cary S. Tepper, Esquire Booth Freret Imlay & Tepper, PC 5101 Wisconsin Avenue, NW, Suite 307 Washington, DC 20016-4120 Counsel to Bay Cities Building Company, Inc.	Gary S. Smithwick, Esquire Smithwick & Belendiuk, PC 5028 Wisconsin Avenue, NW, Suite 301 Washington, D.C. 20016 Counsel to Saga Broadcasting Corporation

Rod Smith 13502 NE 78th Circle Vancouver, WA 98682	Howard J. Barr , Esquire Womble Carlyle Sandridge & Rice, PLLC 1401 Eye Street, N.W., Seventh Floor Washington, D.C. 20005 Counsel to Mercer Island School District and Peninsula School District No. 401
Merle E. Dowd 9105 Fortuna Drive #8415 Mercer Island, WA 98040	Robert Casserd 4735 N.E. 4th Street Renton, WA 98059
Chris Goelz 8836 SE 60th Street Mercer Island, WA 98040	Matthew H. McCormick, Esquire Reddy, Begley & McCormick, LLP 2175 K Street, N.W., Suite 350 Washington, D.C. 20037 Counsel to Triple Bogey, LLC, MCC Radio, LLC and KDUK Acquisition, LLC
Dennis J. Kelley, Esquire Law Offices of Dennis J. Kelley Post Office Box 41177 Washington, D.C. 20018 Counsel to Two Hearts Communications, LLC	Gretchen A. Wilbert, Mayor, City of Gig Harbor 3105 Judson Street Gig Harbor, WA 98335

*denotes hand delivery


Constance A. Randolph